FILED

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF WEST, MIRGINIA 111 9: 31

IN RE:

HS. FOR COURT NOT NOT THE FOR VIV

WEIRTON STEEL CORPORATION,

CASE NO. 5:03-BK-01802

DEBTOR.

**CHAPTER 11** 

# SIXTEENTH INTERIM APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES OF SPECIAL COUNSEL

Pursuant to 11 U.S.C. § 331, Rule 2016, Federal Rules of Bankruptcy Procedure and this Court's "Modified Order Under 11 U.S.C. §§ 105(a) and 331 Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals," entered June 12, 2004, Spilman Thomas & Battle, PLLC ("STB") applies for interim compensation for services rendered as special counsel and reimbursement of necessary expenses incurred between July 1, 2004 through July 31, 2004. In support of this Application, STB represents as follows:

- 1. The Debtor, Weirton Steel Corporation (the "Debtor"), filed a Petition for Relief under Chapter 11 of the United States Bankruptcy Code on May 19, 2003 (the "Petition Date").
- 2. By order entered May 23, 2003, the Court granted the Debtor's application on an interim basis to employ and retain STB as its special counsel.
- 3. Since the Petition Date, STB has performed legal services at the request of the Debtor, which were both necessary and of benefit to the Debtor's continued operation of its

business in the areas of labor and employment, government relations, asbestos, workers' compensation, collection, litigation, environmental, energy, and real estate.

- 4. In addition since May 17, 2004 Spilman Thomas & Battle, PLLC has continued to perform legal services at the request of the Debtor, in order to complete certain matters begun prior to May 17, 2004.
- 5. From July 1, 2004 through July 31, 2004, STB has earned fees in the aggregate amount of \$4,431.00 for services performed in the following areas:

Area	Fees
Labor & Employment	1,036.00
Government Relations	0.00
Asbestos	0.00
Workers' Compensation	0.00
Collection	2,267.50
Litigation	981.25
Environmental	0.00
Energy	146.25
Real Estate	0.00
TOTAL	\$4,431.00

- 6. One hundred percent (100%) of the total fees requested in this Interim Fee Application is \$4,431.00.
- 7. From July 1, 2004, through July 31, 2004, STB has incurred actual and necessary reimbursable expenses in the aggregate amount of \$24.90.
- 8. Attached hereto and made a part hereof are detailed statements of the services performed by STB, which shows a detailed description of the services rendered, the time expended for each task, the hourly rate of the attorney or paralegal performing the service, and an itemization of the expenses incurred.

- 9. The Applicant has received no payment for the services rendered and the expenses incurred which are the subject of this Application.
- 10. There exists no agreement for the sharing of compensation in this case, except as among members and associates of a law firm.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

Lee F. Feinberg (W State Bar # 1173)

John J. Nesius (WV State Bar # 2718)

300 Kanawha Boulevard, East (Zip 25301)

P.O. Box 273

Charleston, WV 25321-0273

304.340.3800

FILED

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA 25 41 9: 31

IN RE:

WEIRTON STEEL CORPORATION,

CASE NO. 5:03-BK-01802

DEBTOR.

**CHAPTER 11** 

## **CERTIFICATE OF SERVICE**

I, Lee F. Feinberg, hereby certify that service of the foregoing **Sixteenth Interim Application for Compensation and Reimbursement of Expenses of Special Counsel** has been made upon the parties of record by placing a true copy thereof in an envelope deposited in the regular course of the United States Mail, with postage prepaid, on this 24<sup>th</sup> day of August, 2004, addressed as follows:

Mark E. Freedlander, Esq. McGuire Woods LLP Dominion Tower, 23rd Floor 625 Liberty Avenue Pittsburgh, PA 15222 Counsel for Debtor

Office of the United States Trustee 12<sup>th</sup> & Chapline Streets Wheeling, WV 26003

Eric A. Schaffer, Esq.
Many Emamzadeh, Esq.
Reed Smith, LLP
435 Sixth Avenue
Pittsburgh, PA 15219
Counsel for JP Morgan Trust Co.

Akin Gump Strauss Hauer & Feld, LLP Attention: Informal Committee of Senior Secured Noteholders 590 Madison Avenue New York, NY 10022

Mr. Robert Fletcher Weirton Steel Corporation 400 Three Springs Drive Weirton, WV 26062

Lee F. Feinberg (WW State Bar # 1173)

Prepared for:

Weirton Steel Corporation Kenneth W. Kubrick, Esquire 400 Three Springs Drive Weirton, WV 26062-4989 August 23, 2004 Client: 000492 Matter: 0879

Attorney: Charles L. Woody

Invoice: 5016769 FEIN: 55-0282458

CLIENT:

Weirton Steel Corporation

MATTER:

General Labor

Previous Balance \$	Payments/Credits \$	Retainer Balance \$	New Charges \$	New Balance \$	Please Pay By:
17,686.43	(17,227.10)	0.00	1,036.00	1,495.33	September 22, 2004

Terms - Payable in full on receipt

#### **INVOICE SUMMARY**

Fees for Professional Services

Costs

\$1,036.00 \_\_\_0.00

**TOTAL THIS INVOICE** 

\$1,036.00

0-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	OVER 120 DAYS
1,036.00	459.33	0.00	0.00	0.00

 $\downarrow$  Please fold on the perforation below, detach and return with your payment  $\downarrow$ 

Questions about your account? Call 1-800-967-8251

August 23, 2004 Client: 000492 Matter: 0879

**4.** .

Attorney: Charles L. Woody

Invoice: 5016769

Mail payment to:

New Balance \$ Amount Enclosed \$

ATTN: Accounts Receivable Spilman Thomas & Battle, PLLC 300 Kanawha Boulevard, East

Post Office Box 273

Charleston, WV 25321-0273

1,495.33

SPILMAN THOMAS & BATTLE, Pale

ATTORNEYS AT LAW

Page 2 of 3 August 23, 2004 Invoice 5016769

ATTORNEYS AT LAW

Date of Service	Timekeeper/Title	Description	Hours	Amount \$
PROFESSION	IAL SERVICES			
07/08/04	Charles L. Woody Member	Telephone conference with Kristen Kastner regarding garnishment in West Virginia and Ohio; office conference of Messrs. Woody and McCallister regarding research to respond to inquiry.	0.50	120.00
07/08/04	Andrew McCallister Law Clerk	Meet with Charles L. Woody regarding project exploring W. Va. law on garnishment of wages.	0.20	16.00
07/09/04	Andrew McCallister Law Clerk	Research W. Va. law on garnishment of wages and "what law controls" when judgment debtor works in different state than he lives.	5.60	448.00
07/12/04	Charles L. Woody Member	Three telephone conferences with Ms. Kastner regarding garnishment law in West Virginia; office conference of Messrs. Woody and McCallister regarding his research on issue.	0.75	180.00
07/12/04	Andrew McCallister Law Clerk	Compose memorandum regarding transition benefit program and garnishment of wages; further research into topic.	3.40	272.00
	Fees for Professional Services			1,036.00

Page 3 of 3 Invoice 5016769

ATTORNEYS AT LAW

MATTER FEE SUMMARY							
TIMEKEEPER	CI	JRRENT IN	VOICE	YEAR-TO-DATE		LIFE-TO-DATE	
· · · · · · · · · · · · · · · · · · ·	Hours	Rate	\$	Hours	\$	Hours	\$
Andrew McCallister	9.20	80.00	736.00	9.20	736.00	9.20	736.00
Charles L. Woody	1.25	240.00	300.00	10.75	2,580.00	16.95	3,854.15
Other Timekeepers	0.00	0.00	0.00	228.00	41,678.25	501.80	87,464.25
TOTAL	10.45		\$1,036.00	247.95	\$44,994.25	527.95	\$92,054.40

Prepared for:

Weirton Steel Corporation William R. Kiefer 400 Three Springs Drive Weirton, WV 26062 August 23, 2004 Client: 000492 Matter: 1697

Attorney: David L. Robertson

Invoice: 5016771 FEIN: 55-0282458

**CLIENT:** Weirton Steel Corporation **MATTER:** American Commercial Barge

Lines, LLC

Terms - Payable in full on receipt

#### **INVOICE SUMMARY**

Fees for Professional Services \$2,267.50
Costs \$2,267.50

TOTAL THIS INVOICE \$2,268.01

0-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	OVER 120 DAYS
2,268.01	1,174.80	0.00	0.00	0.00

 $\downarrow$  Please fold on the perforation below, detach and return with your payment  $\downarrow$ 

Questions about your account? Call 1-800-967-8251

SPILMAN THOMAS & BATTLE PLLC

August 23, 2004 Client: 000492 Matter: 1697

Attorney: David L. Robertson

Invoice: 5016771

Mail payment to:

ATTN: Accounts Receivable Spilman Thomas & Battle, PLLC 300 Kanawha Boulevard, East

Post Office Box 273

Charleston, WV 25321-0273

New Balance \$ Amount Enclosed \$

Page 2 of 5 August 23, 2004 Invoice 5016771

# ATTORNEYS AT LAW

**CLIENT:** 000492 **MATTER:** 1697

Date of Service	Timekeeper/Title	Description	Hours	Amount \$
PROFESSION	IAL SERVICES			
07/02/04	Robert J. Hannen Sr. Attorney	Work on Evidentiary outline.	0.70	105.00
07/06/04	Robert J. Hannen Sr. Attorney	Telephone conference with Len Fornella re status of Kingston's review of claim.	0.20	30.00
07/07/04	Robert J. Hannen Sr. Attorney	Work on litigation plan.	1.20	180.00
07/09/04	Robert J. Hannen Sr. Attorney	Work on litigation plan.	0.50	75.00
07/12/04	Patrick A. Bennett Associate	Reviewing file for purposes of drafting memorandum to Rob Hannen regarding issues to be proven at trial, evidence to show the same and related maters; Begin drafting memorandum.	2.70	337.50
07/13/04	Patrick A. Bennett Associate	Conference with Rob Hannen regarding evidentiary issues and related matters.	0.50	62.50
07/13/04	Patrick A. Bennett Associate	Continue working on memorandum to Rob Hannen regarding evidentiary matters and identifying documents and witnesses related thereto.	3.10	387.50
07/13/04	Robert J. Hannen Sr. Attorney	Review Order of Court permitting suit to be filed.	0.20	30.00
07/14/04	Patrick A. Bennett Associate	Conference with Rob Hannen regarding claims to be asserted against ACBL.	0.50	62.50
07/15/04	Patrick A. Bennett Associate	Draft letter to Ken Kubrick regarding evidence needed to prosecute case against ACBL.	1.30	162.50
07/15/04	Patrick A. Bennett Associate	Telephone conference with Rob Hannen regarding evidentiary and related issues related to claim against ACBL.	0.60	75.00
07/15/04 Case	Robert J. Hannen 5: <b>%-8kome</b> 02 Doc 2813	Work on outline of issues for which witnesses  and documents of the identified 8/25/04 10:3	33:4600 De	esc 150.00

Main Document Page 10 of 24

Page 3 of 5 Invoice 5016771

ATTORNEYS AT LAW

CLIENT: 00049 MATTER: 1697	92			
07/16/04	Patrick A. Bennett Associate	Revise letter to Ken Kubrick regarding ACBL.	0.30	37.50
07/19/04	Robert J. Hannen Sr. Attorney	Revise and finalize letter to Ken Kubrick re need for documents and witnesses.	0.40	60.00
07/27/04	Patrick A. Bennett Associate	Draft Complaint against ACBL by Weirton Steel Corp.	2.40	300.00
07/28/04	Patrick A. Bennett Associate	Continue working on draft of Complaint in ACBL.	1.70	212.50
	Fees for Professional Services			2,267.50

Page 4 of 5 August 23, 2004 Invoice 5016771

Date	Description	Amount \$
COSTS		
07/23/04	Phone Calls	0.04
07/23/04	Phone Calls	0.47
TOTAL COSTS		0.51

Page 5 of 5 Invoice 5016771

ATTORNEYS AT LAW

MATTER FEE SUMMARY							
TIMEKEEPER	CI	JRRENT IN	IVOICE	YEAR-	TO-DATE	LIFE	TO-DATE
	Hours	Rate	\$	Hours	\$	Hours	\$
Patrick A. Bennett	13.10	125.00	1,637.50	21.05	2,631.25	33.25	3,921.10
Robert J. Hannen	4.20	150.00	630.00	24.50	3,675.00	88.20	12,232.65
Other Timekeepers	0.00	0.00	0.00	3.35	551.25	23.45	3,359.37
TOTAL	17.30		\$2,267.50	48.90	\$6,857.50	144.90	\$19,513.12

Prepared for:

Weirton Steel Corporation William R. Kiefer 400 Three Springs Drive Weirton, WV 26062-4989

August 23, 2004 Client: 000492 Matter: 1666

Attorney: David L. Robertson

Invoice: 5016770 FEIN: 55-0282458

CLIENT: Weirton Steel Corporation MATTER: Bailey, Michael S., et al

Previous Balance \$	Payments/Credits \$	Retainer Balance \$	New Charges \$	New Balance \$	Please Pay By:
1,208.40	0.00	0.00	350.64	1,559.04	September 22, 2004

Terms - Payable in full on receipt

#### **INVOICE SUMMARY**

Fees for Professional Services \$350.00 Costs 0.64

**TOTAL THIS INVOICE** \$350.64

0-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	OVER 120 DAYS
350.64	1,208.40	0.00	0.00	0.00

 $\downarrow$  Please fold on the perforation below, detach and return with your payment  $\downarrow$ 

Questions about your account? Call 1-800-967-8251

August 23, 2004 Client: 000492 Matter: 1666

SPILMAN THOMAS & BATTLE.PLLC

ATTORNEYS AT LAW

Attorney: David L. Robertson

Invoice: 5016770

Mail payment to:

New Balance \$ Amount Enclosed \$

ATTN: Accounts Receivable Spilman Thomas & Battle, PLLC 300 Kanawha Boulevard, East

Post Office Box 273

Charleston, WV 25321-0273

Page 2 of 4 Invoice 5016770

Date of Service	Timekeeper/Title	Description	Hours	Amount \$
PROFESSION	IAL SERVICES			
07/23/04	Patrick A. Bennett Associate	Two telephone conferences with Jay Lazar of ISG regarding potential settlement of the Velliky suit and related matters.	0.90	112.50
07/23/04	Patrick A. Bennett Associate	Telephone conference with Ken Kubrick regarding settlement of Velliky suit.	0.20	25.00
07/23/04	Patrick A. Bennett Associate	Telephone conference with Jim Walls regarding potential settlement of case and related matters.	0.20	25.00
07/27/04	Patrick A. Bennett Associate	Telephone conference with Jay Lazar re settlement of Bailey and related matters.	0.40	50.00
07/27/04	Patrick A. Bennett Associate	Telephone conference with Ken Kubrick re same.	0.20	25.00
07/28/04	Patrick A. Bennett Associate	Telephone conference with Jay Lazar re settlement with Mike Bailey and related matters.	0.50	62.50
07/30/04	James A. Walls Member	Conference with Attorney Pat Bennett regarding pretrial conference.	0.25	50.00
	Fees for Professional Services			350.00

Page 3 of 4 Invoice 5016770

Date	Description	Amount \$
COSTS		
07/23/04	Phone Calls	0.64
TOTAL COSTS		0.64

Page 4 of 4 Invoice 5016770

ATTORNEYS AT LAW

MATTER FEE SUMMARY							
TIMEKEEPER	CURRENT INVOICE		YEAR-TO-DATE		LIFE-TO-DATE		
	Hours	Rate	\$	Hours	\$	Hours	\$
James A. Walls	0.25	200.00	50.00	72.00	14,400.00	419.25	73,704.66
Patrick A. Bennett	2.40	125.00	300.00	115.80	14,475.00	478.85	56,385.63
Other Timekeepers	0.00	0.00	0.00	0.90	225.00	292.90	34,955.26
TOTAL	2.65		\$350.00	188.70	\$29,100.00	1,191.00	\$165,045.55

Prepared for:

Weirton Steel Corporation 400 Three Springs Drive Weirton, WV 26062-4989

August 23, 2004 Client: 000492 Matter: 1756

Attorney: David L. Robertson

Invoice: 5016772 FEIN: 55-0282458

CLIENT: Weirton Steel Corporation

MATTER: Jacobs, Terry

Previous Balance \$	Payments/Credits \$	Retainer Balance \$	New Charges \$	New Balance \$	Please Pay By:
2,402.00	0.00	0.00	655.00	3,057.00	September 22, 2004

Terms - Payable in full on receipt

#### INVOICE SUMMARY

Fees for Professional Services \$631.25 Costs 23.75

**TOTAL THIS INVOICE** \$655.00

0-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	OVER 120 DAYS
655.00	2,402.00	0.00	0.00	0.00

 $\downarrow$  Please fold on the perforation below, detach and return with your payment  $\downarrow$ 

Questions about your account? Call 1-800-967-8251

August 23, 2004 Client: 000492 Matter: 1756

**# SPILMAN THOMAS & BATTLE**.Plic

ATTORNEYS AT LAW

Attorney: David L. Robertson

Invoice: 5016772

New Balance \$ Amount Enclosed \$

3,057.00

Mail payment to:

ATTN: Accounts Receivable Spilman Thomas & Battle, PLLC 300 Kanawha Boulevard, East

Post Office Box 273

Charleston, WV 25321-0273

Date of Service	Timekeeper/Title	Description	Hours	Amount \$
PROFESSION	IAL SERVICES			
07/02/04	James A. Walls Member	Conference call with Attorney Sally Edison of McGuire Woods and Attorney Kenneth Kubrick regarding administrative claim.	0.50	92.50
07/06/04	David J. Hardy Member	Reviewing draft settlement motion; preparing memorandum to file.	0.30	61.50
07/08/04	David J. Hardy Member	Reviewing settlement agreement and citations; telephone conference with client's representative; telephone conference with client's representative; preparing memorandum to file.	0.40	82.00
07/22/04	Patrick A. Bennett Associate	Telephone conferences with Mark Colantonio, Larry Swearingen and Duane Jennings regarding depositions of Messrs. Jennings and Swearingen.	0.60	75.00
07/22/04	Patrick A. Bennett Associate	Drafting response to Plaintiff's Interrogatories and Document Requests.	1.70	212.50
07/30/04	James A. Walls Member	Conference with Attorney Pat Bennett regarding various witnesses, including Darrin Sebastian, who has resigned from Weirton Steel.	0.25	46.25
07/30/04	David J. Hardy Member	Telephone conference with OSHA counsel; telephone conference with Administrative Law Judge regarding settlement agreement; preparing memorandum to file.	0.30	61.50
	Fees for Professional Services			631.25

Page 3 of 4 Invoice 5016772

Date	Description	Amount \$
COSTS		
07/23/04	Phone Calls	0.15
07/12/04	Copies	2.80
07/12/04	Copies	2.80
07/06/04	Facsimile Costs	9.00
07/08/04	Facsimile Costs	9.00
TOTAL COSTS		23.75

Page 4 of 4 Invoice 5016772

MATTER FEE SUMMARY							
TIMEKEEPER	CI	JRRENT IN	VOICE	YEAR	-TO-DATE	L1FE-	TO-DATE
	Hours	Rate	\$	Hours	\$	Hours	\$
David J. Hardy	1.00	205.00	205.00	13.60	2,788.00	68.20	13,981.00
James A. Walls	0.75	185.00	138.75	5.75	1,063.75	29.50	5,457.50
Patrick A. Bennett	2.30	125.00	287.50	78.65	9,831.25	107.45	13,431.25
Other Timekeepers	0.00	0.00	0.00	0.00	0.00	4.65	802.50
TOTAL	4.05		\$631.25	98.00	\$13,683.00	209.80	\$33,672,25

Prepared for:

Weirton Steel Corporation Attn. William R. Kiefer, Esq. 400 Three Springs Drive Weirton, WV 26062

August 23, 2004 Client: 000492 Matter: 0034

Attorney: Lee F. Feinberg Invoice: 5016773 FEIN: 55-0282458

CLIENT: Weirton Steel Corporation

MATTER: Utility

Previous Balance \$ Payments/Credits \$ Retainer Balance \$ Please Pay By: New Charges \$ New Balance \$ 32,994.38 (32,994.38)0.00 146.25 146.25 September 22, 2004

Terms - Payable in full on receipt

#### INVOICE SUMMARY

Fees for Professional Services

Costs

\$146.25 0.00

**TOTAL THIS INVOICE** 

\$146.25

0-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	OVER 120 DAYS
146.25	0.00	0.00	0.00	0.00

# SPILMAN THOMAS & BATTLE.P.1.C

 $\downarrow$  Please fold on the perforation below, detach and return with your payment  $\downarrow$ 

Questions about your account? Call 1-800-967-8251

August 23, 2004 Client: 000492 Matter: 0034

Attorney: Lee F. Feinberg

Invoice: 5016773

New Balance \$

Amount Enclosed \$

146.25

ATTORNEYS AT LAW

Mail payment to:

ATTN: Accounts Receivable Spilman Thomas & Battle, PLLC 300 Kanawha Boulevard, East

Post Office Box 273

Charleston, WV 25321-0273

Page 2 of 3 Invoice 5016773

Date of Service	Timekeeper/Title	Description	Hours	Amount \$
PROFESSION	IAL SERVICES			
07/07/04	Susan J. Riggs Member	Review PSC Gas Rules; telephone conference with Ms. Karen Miller regarding same; prepared final version of PSC Gas Rules with comments of Task Force members.	0.25	48.75
07/08/04	Susan J. Riggs Member	Reviewed final comments of task force members to the Rules; worked on final draft of Rules for the Task Force's report.	0.50	97.50
	Fees for Professional Services			146.25

Page 3 of 3 Invoice 5016773

ATTORNEYS AT LAW

MATTER FEE SUMMARY							
TIMEKEEPER	CI	URRENT IN	VOICE	YEAR	-TO-DATE	LIFI	E-TO-DATE
	Hours	Rate	\$	Hours	\$	Hours	\$
Susan J. Riggs	0.75	195.00	146.25	29.45	5,742.75	1,779.85	252,521.83
Other Timekeepers	0.00	0.00	0.00	209.40	51,070.50	10,259.39	2,446,258.87
TOTAL	0.75		\$146.25	238.85	\$56,813.25	12,039.24	\$2,698,780.70